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Seagate Technology LLC  
Intellectual Property Department  
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7801 Computer Avenue  
Bloomington, MN 55435

**Fax Transmission | May 5, 2008**

TO: Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: Mikel R. Boeve  
OUR REF: STL9029.00  
TELEPHONE: 952-402-7115

Total pages, including cover letter: **10**

PTO FAX NUMBER: 1-571-273-8300

If you do NOT receive all of the pages, please telephone us at 952-402-8973, or fax us at 952-402-8187.

Documents Transmitted: **Renewed Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment-Based on Failure to Receive Notice of Allowance; Fax Transmittal Cover Sheet**

Applicant: Myers, et al

Serial No.: 09/491,098

Filed: 01/25/2000

Group Art Unit: 2653

Our Ref. No.: STL9029.00

Please charge any additional fees or credit overpayment to Deposit Account No.19-1038.

By: 

Name: Mikel R. Boeve

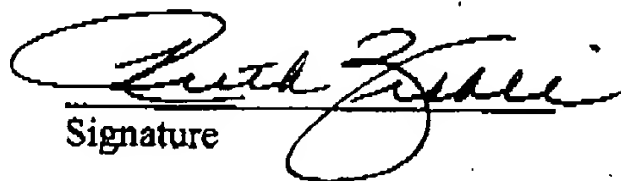
Reg. No.: 57,642

I hereby certify that this paper is being transmitted via facsimile to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Ruth Zibble

5-5-08

Date

  
Signature

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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re App:	MYERS et al.	Date:	May 5, 2008
S.N.:	09/491,098	Docket No.:	STL 9029.00
Filed:	January 25, 2000	Examiner:	LETSCHER, G.
For:	SOLDER CONTROL FEATURES FOR A DISC DRIVE HEAD FLEX CIRCUIT INTERCONNECT	Art Unit:	2653

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**RENEWED PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF  
ABANDONMENT - BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

This petition is in response to the Decision on Petition mailed April 15, 2008 dismissing the Petition. Applicant hereby renews its petitions to withdraw the holding of abandonment in this case, on the basis that the Notice of Allowance forming the basis of the abandonment was not received. Applicant further requests that the Notice of Allowance and Issue Fee Due be remailed.

**FACTS**

On June 28, 2005 applicant paid the Issue Fee and Publication Fee in the amount of one thousand seven hundred dollars (\$1,700). On August 8, 2005 the applicant received a Notice Of Withdrawal From Issue Under 37 C.F.R. 1.313(b). On October 17, 2005 Examiner George J. Letscher spoke with applicant's attorney Paul T. Dietz and the examiner agreed to cancel, by Examiner's Amendment, claims 16-18. According to the U.S. Patent Office PAIR website, the Second Notice of Allowance was mailed on November 17, 2005. On April 17, 2006 applicant received a Notice Of Abandonment due to non-payment of the required issue fee and publication fee. Previously submitted is a Declaration of Paul T. Dietz stating that the Office

Communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office Communication was not received.

Also attached, as Exhibit A is a copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed. A Declaration of Kay Baierl was previously submitted, which attests to the authenticity of the attached Exhibit A. A copy of the Notice of Abandonment is enclosed as Exhibit B.

**Remarks:**

In the Decision on Petition, the Examiner indicated that elements 1 and 2 of the required showing were met, but that the 3<sup>rd</sup> element, a copy of the docket record, was insufficient. *See Page 2 of Decision on Petition.* The Applicant asserts that the copy of the docket is sufficient to establish evidence that the Nov. 17, 2005 Notice was not received. The Examiner claimed that the June 2, 2005 Notice of Allowance was not shown in the docket record, but this is incorrect. The receipt of the June 2, 2005 Notice of Allowance is shown by the docket dues dates of Fee Due in 2 Months reminder of July 2, 2005, the Fee Due in 1 Month reminder of August 2, 2005, and the Issue Fee Due reminder of September 2, 2005. *See Exhibit A.* These all stem from the base date of June 2, 2005 when the Notice of Allowance was received and entered into Applicant's docket system. *See Exhibit C showing this in more detail.* If the Notice of Allowance of Nov. 17, 2005 was received by Applicant, these same docket dates would have been entered into the system for Dec. 17, 2005, Jan. 17, 2006 and Feb. 17, 2006 respectively. Since these dates were not entered into the docket, this is further evidence that the Notice of Allowance was not received by Applicant.

Regarding the lack of the Notice of Withdrawal from Issue mailed on August 3, 2005 from the docket this is an expected result of Applicant's docket system. The Notice of Withdrawal did not indicate any action that was required of the Applicant by a certain due date, instead the Applicant had to wait for further communication from the Examiner regarding the Withdrawal (which occurred by telephone on Oct. 17, 2005). The next communication that would have been docketed would have been the Notice of Allowance of Nov. 17, 2005 which also apparently included an Interview Summary of the Oct. 17 conversation. Regardless, the Applicant's physical file did contain the Notice of Withdrawal mailed on August 2, 2005 and received by the Applicant on August 8, 2005. *See Exhibit D.* All other communications from the PTO (like Office Actions, Restriction Requirements) are indicated in the docket record. *See Exhibit C.*

Therefore the Applicants submit that the copy of the docket record is sufficient to meet the requirements of MPEP 711.03(c) and other guidelines. If further elements of the Applicant's docket system need explanation, the Examiner is urged to call the Applicant at the below number.

### CONCLUSION

It is believed that the foregoing facts, declarations and Exhibits are sufficient to establish the non-receipt of the Notice of Allowance. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and that the Notice of Allowance and Issue Fee Due be remailed.

Please charge any additional fees or credit overpayment to the Seagate Technology LLC Deposit Account No. 19-1038.

By: 

Mikel R. Boeve

Reg. No. 57,642

Intellectual Property Department - NRW097

Seagate Technology LLC

7801 Computer Avenue South

Bloomington, MN 55435

Telephone: 952.402.8585

Attorney for Applicants

### CERTIFICATION UNDER 37 C.F.R. 1.8

Date of Deposit: May 5, 2008

I hereby certify that this paper is being transmitted via facsimile to the U.S. Patent and Trademark Office, Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown above.

  
Ruth Zibble

## Exhibit A

CEIPatent System is in use by SeagateModif

Country Applications

09029 MNH Minnesota - Honda

US United States of America 00

Show All Actions Show Only Due Dates

Review Reason For Allowance?	02-Jul-2005	Due Date	27-Jun-2005
Fee Due in 1 Month	02-Aug-2005	Reminder	27-Jun-2005
Issue Fee Due	02-Sep-2005	Final	27-Jun-2005
File Change of Fee Address	11-Oct-2005	Due Date	27-Jul-2005
Rebbon Copy Received	21-Jan-2006	Due Date	
Notice of Abandonment	11-Apr-2006	Due Date	

SeagateModif Date Due 31-Mar-2001 02-Nov-2005

SeagateModif Post Tracking Annual Table Letter

1 of 1 (Filtered)

MAY 05 2008

## Exhibit B



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,098	01/25/2000	Gregory Paul Myers	30874.80USU1/SEA9029	B093
36733	7590	04/11/2006	EXAMINER	
SEAGATE TECHNOLOGY LLC INTELLECTUAL PROPERTY DEPT / MAIL STOP NRW-097 7801 COMPUTER AVENUE SOUTH BLOOMINGTON, MN 55435			LETSCHER, GEORGE J	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APR 17 2006

SEC    L&P     
DKT    ATTY     
OTHER    FILE

MAY 05 2008

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09/491,098	Myers	
	Examiner	Art Unit	
	LETSCHER	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## Exhibit C

2 Actions Due

US ☒ United States of America

Allowed ☐ 00/491.016

US-Alliance ☐ 00/491.016

00/491.016

Item	Due Date	Indicator	Due Date
00/491.016	02-Jul-2005	Reminder	27-Jun-2005
00/491.016	02-Jul-2005	Due Date	27-Jun-2005
00/491.016	02-Aug-2005	Reminder	27-Jun-2005
00/491.016	02-Sep-2005	Final	27-Jun-2005

SeagateModdy 00/491.016 00/491.016

13-Jun-2005

2 Actions Due

US ☒ United States of America

Allowed ☐ 00/491.016

US-1 Month Office Action ☐ 00/491.016

00/491.016

Item	Due Date	Indicator	Due Date
00/491.016	13-Mar-2005	Due Date	14-Mar-2005
00/491.016	13-Jun-2005	Final	14-Mar-2005

SeagateModdy 00/491.016 00/491.016

13-Jun-2005







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SEAGATE TECHNOLOGY LLC  
INTELLECTUAL PROPERTY DEPT./MAIL STOP NRW-097  
7801 COMPUTER AVENUE SOUTH  
BLOOMINGTON, MN 55435

AUG 03 2005

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600In re Application of Gregory Paul Myers *et al.*  
Application No. 09/491,098  
Filed: January 25, 2000  
Attorney Docket No. 30874.8OUSU1/SEA9029NOTICE OF WITHDRAWAL  
FROM ISSUE  
UNDER 37 C.F.R. 1.313(b)

~~The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 C.F.R. 1.313(b)(3).~~

The above-identified application is hereby withdrawn from issue.

This issue fee is refundable upon written request. If however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue fee upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to William Korzuch at (571) 272-7589.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Mark Powell, Director  
Technology Center 2600RECEIVED  
Intellectual Property Dept.

AUG 08 2005

CC: Office of Publications

Patent Clerk, South Tower, Room 08C15  
Supervisory Correspondence Clerk, South Tower, Room 08C15

SEC	_____	L&P	_____
DKT	_____	ATTY	_____
OTHER	_____	FILE	_____